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10   Attorneys for:   PCA CENTRAL CALIFORNIA CORRUGATED, LLC, also  
11                     known as SACRAMENTO CONTAINER CORPORATION,  
12                     erroneously sued herein as Sacramento Container Company

13                     **UNITED STATES DISTRICT COURT**  
14                     **EASTERN DISTRICT OF CALIFORNIA**

15   DANIEL SCHWARTZ,

16                     Plaintiff,

17                     v.

18   SACRAMENTO CONTAINER COMPANY  
19                     and DOES 1-25,

20                     Defendants.

21                     Case No. 2:22-cv-02082-JAM-KJN

22                     [Removal from Superior Court of California, County  
23                     of Sacramento, Case No. 34-2022-00324613]

24                     **STIPULATION AND ORDER MODIFYING**  
25                     **PRETRIAL SCHEDULING ORDER**

26                     Trial Date:   October 7, 2024

27                     Time:       9:00 a.m.

28                     Judge:      John A. Mendez

1                     Complaint Filed:   August 4, 2022

## **STIPULATION**

Having met and conferred via their respective counsels of record, Plaintiff, DANIEL SCHWARTZ ("Plaintiff"), on the one hand, and Defendant, PCA CENTRAL CALIFORNIA CORRUGATED, LLC, also known as SACRAMENTO CONTAINER CORPORATION, erroneously sued herein as Sacramento Container Company ("Defendant"), on the other hand, hereby stipulate and propose that the above-entitled Court enter an Order in accordance with the following:

## RECITALS

WHEREAS, the undersigned are counsel of record for Plaintiff and Defendant (collectively, the “Parties”);

WHEREAS, on or around January 17, 2023, the Honorable John A. Mendez of the above-entitled Court issued a Pre-Trial Scheduling Order which set certain dates and deadlines with respect to discovery and trial;

WHEREAS, on or around February 15, 2024, upon receipt of a signed stipulation from the Parties, the Honorable John A. Mendez of the above-entitled Court amended his Pre-Trial Scheduling Order so that the dates and deadlines with respect to discovery and trial became as follows:

Expert Witness Disclosure(s)	04-05-2024
Supplemental/Rebuttal Expert Disclosure(s)	04-19-2024
Joint Mid-Litigation Statement Filing Deadline	Fourteen (14) days prior to the close of discovery
Discovery Cut-Off (Expert & Non-Expert)	05-31-2024
Dispositive Motion Filing Deadline	07-26-2024
Dispositive Motion Hearing Date	09-24-2024 (1:00 p.m.)
Joint Pre-Trial Statement Filing Deadline	11-14-2024
Final Pre-Trial Conference	11-22-2024 (10:00 a.m.)
Jury Trial (5-7 day estimate)	01-13-2025 (9:00 a.m.)

1 WHEREAS, the Parties are diligently pursuing written discovery and working with one another  
2 to timely complete all outstanding discovery and to-be-completed depositions;

3 WHEREAS, Plaintiff's deposition is scheduled to take place on May 8, 2024;

4 WHEREAS, the Parties still need to complete written discovery and conduct depositions of one  
5 or more parties and/or third-party witnesses;

6 WHEREAS, the Parties collectively believe that Plaintiff's deposition and all non-expert  
7 discovery needs to be completed: (i) before the Parties can fully ascertain and/or determine which expert  
8 witnesses, if any, need to be respectively retained; and (ii) before the expert opinions/reports of the  
9 Parties' respective expert witnesses, if any, can be completed and disclosed;

10 WHEREAS, the Parties need additional time to complete non-expert and expert written  
11 discovery and depositions;

12 WHEREAS, the Parties are confident that all outstanding non-expert discovery and depositions  
13 will be completed on or before May 31, 2024;

14 WHEREAS, the Parties are confident that all expert discovery and depositions will be completed  
15 on or before July 8, 2024;

16 WHEREAS, the Parties stipulate to modifying the current Discovery Cut-Off Deadline so as to  
17 reflect that all non-expert discovery is to be completed on or before the current Discovery Cut-Off  
18 Deadline of May 31, 2024 and all expert discovery is to be completed on or before July 8, 2024;

19 WHEREAS, the Parties stipulate to extending the current Expert Witness Disclosure(s) from  
20 April 5, 2024 to June 7, 2024;

21 WHEREAS, the Parties stipulate to extending the current Supplemental/Rebuttal Expert  
22 Disclosure(s) deadline from April 19, 2024 to June 21, 2024;

23 WHEREAS, the Parties are not seeking to continue the current Dispositive Motion filing  
24 deadline, Dispositive Motion hearing date, Joint Pre-Trial Statement filing deadline, Final Pre-Trial  
25 Conference hearing date, or trial dates;

26 WHEREAS, the Parties will not be prejudiced by this short extension of time;

27 WHEREAS, the Parties agree that this Stipulation may be executed in counterparts, each of  
28 which shall be deemed an original Stipulation as to the attorney that signed it, but all of which together

1 shall constitute one and the same instrument.

2 **STIPULATION**

3 The Parties and the undersigned hereby stipulate and agree as follows:

4 1. The Parties' current Discovery Cut-Off Deadline shall be modified so as to reflect that  
5 all non-expert discovery is to be completed on or before the current Discovery Cut-Off Deadline of May  
6 31, 2024 and all expert discovery is to be completed on or before July 8, 2024;

7 2. The Parties' current Expert Witness Disclosure(s) deadline of April 5, 2024 shall be  
8 continued to June 7, 2024;

9 3. The Parties' current Supplemental/Rebuttal Expert Disclosure(s) deadline of April 19,  
10 2024 shall be continued to June 21, 2024;

11 4. All other discovery and trial deadlines shall remain as previously set by the above-  
12 entitled Court.

13 **IT IS SO STIPULATED.**

14  
15 Dated: April 18, 2024

WANGER JONES HELSLEY PC

16  
17 By: /S/ Patrick D. Toole

Patrick D. Toole  
Benjamin C. West  
Attorneys for Defendant  
PCA CENTRAL CALIFORNIA  
CORRUGATED, LLC, also known as  
SACRAMENTO CONTAINER  
CORPORATION, erroneously sued herein as  
Sacramento Container Company

23  
24 Dated: April 18, 2024

ASHTON & PRICE, LLP

25  
26 By: /S/ Edward A. Schade

Edward A. Schade  
Attorneys for Plaintiff  
DANIEL SCHWARTZ

1                   **ORDER MODIFYING PRETRIAL SCHEDULING ORDER**

2                   Pursuant to the parties' stipulation and good cause appearing, the pretrial scheduling order  
 3 (ECF No. 7) is **MODIFIED** as follows:

5                   Expert Witness Disclosure(s)	<b>06/07/2024</b>
6                   Supplemental/Rebuttal Expert Disclosure(s)	<b>06/21/2024</b>
7                   Joint Mid-Litigation Statement Filing Deadline	Fourteen (14) days prior to the close of discovery
8                   Discovery Cut-Off (Expert & Non-Expert)	<b>07/05/2024</b>
9                   Dispositive Motion Filing Deadline	<b>08/30/2024</b>
10                  Dispositive Motion Hearing Date	<b>11/05/2024, at 1:00 p.m.<sup>1</sup></b>
11                  Joint Pretrial Statement Filing Deadline	<b>01/09/2025</b>
12                  Final Pretrial Conference	<b>01/17/2025, at 11:00 a.m.</b>
13                  Jury Trial (5 to 7 days)	<b>03/03/2025, at 9:00 a.m.</b>

15                  All other instructions contained in the February 15, 2024 Pretrial Scheduling Order (ECF No.  
 16 7) shall remain in effect.

17 **IT IS SO ORDERED.**

18                  Dated: April 22, 2024

19                  /s/ John A. Mendez

20                  \_\_\_\_\_  
 THE HONORABLE JOHN A. MENDEZ  
 SENIOR UNITED STATES DISTRICT JUDGE

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 28                  <sup>1</sup> Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.